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UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON
 AT SEATTLE

DEVELOPERS SURETY AND)
 INDEMNITY COMPANY, a)
 California corporation,)
 Plaintiff,)
 v.)
 MICHAEL MCKELVEY COMPANY, LLC,)
 a Washington State limited liability)
 company; RICHARD GUSTAV and)
 FRANCES GUSTAV, individually and the)
 marital community comprised thereof; RIFT)
 CUT CONSTRUCTION, LLC, a)
 Washington State limited liability company;)
 STATE FARM FIRE AND CASUALTY)
 COMPANY, an Illinois corporation; and)
 SAFECO INSURANCE COMPANY OF)
 AMERICA, a New Hampshire corporation,)
 Defendants.)

Case No.:

**COMPLAINT FOR DECLARATORY
 RELIEF**

JURY DEMAND

For its Complaint against defendants Michael McKelvey Company, LLC (“McKelvey”),
 Richard Gustav and Frances Gustav, individually and as a marital community (“Gustavs”), Rift
 Cut Construction, LLC (“Rift Cut”), State Farm Fire and Casualty Company (“State Farm”), and
 Safeco Insurance Company of America (“Safeco”), plaintiff Developers Surety and Indemnity
 Company (“Developers”) alleges as follows:

Page 1 – COMPLAINT FOR DECLARATORY RELIEF

Parties

1
2 1. Developers is an insurance company organized under the laws of the State of
3 California and is authorized to do business in the State of Washington. Developers' principal
4 place of business is in the State of California.

5 2. State Farm is an insurance company organized under the laws of the State of
6 Illinois with its principal place of business in the State of Illinois.

7 3. Safeco is an insurance company organized under the laws of the State of New
8 Hampshire with its principal place of business in the State of New Hampshire.

9 4. McKelvey is a limited liability company organized under the laws of the State of
10 Washington and at all relevant times was licensed to do business as a general contractor in the
11 State of Washington. Based on information and belief, the members of McKelvey are domiciled
12 in the State of Washington.

13 5. Rift Cut is a limited liability company organized under the laws of the State of
14 Washington and at all relevant times was licensed to do business as a general contractor in the
15 State of Washington. Based on information and belief, the members of Rift are domiciled in the
16 State of Washington.

17 6. The Gustavs are a married couple domiciled in King County, Washington, and
18 jointly own property located at 8622 Fauntlee Crest SW, Seattle, Washington 98136.

Jurisdiction and Venue

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20 7. This court has jurisdiction under 28 U.S.C. Section 1332 in that complete
21 diversity exists between Developers, on the one hand, and the defendants on the other, and the
22 amount in controversy exceeds \$75,000.

23 8. An actual controversy exists between the parties regarding Developers'
24 obligations under certain liability insurance policies that it issued to McKelvey and Rift Cut.
25 Under 28 U.S.C. Section 2201, Developers is entitled to a declaration from this Court regarding
26 those obligations.

